

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CBOSS, INC.,

Plaintiff,

v.

RALPH R. ZERBONIA, *et al.*,

Defendants.

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CASE NO. 4:09-CV-00168

JUDGMENT ENTRY

For the reasons set forth in the Memorandum of Opinion and Order filed contemporaneously with this Judgment Entry, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the motions for summary judgment are GRANTED in part and DENIED in part.

IT IS ORDERED, that Plaintiffs are granted summary judgment with regard to its action for declaratory judgment with respect to the following statements from Defendants' website: (1) "In 2005, The State of Ohio had contracted with Mr. Zerbonia to build them a new information system for regulating charities," and (2) "Ralph R. Zerbonia was also the System Architect and Project Manager for [the COIN] system." Defendants must (1) remove these statements from its website, (2) refrain from using these statements or similar representations on its website or any other web site under its possession, control or ownership and (3) not use or publish these statements or similar representations in the context of commercial speech, advertising or promotion.

IT IS FURTHER ORDERED, that Defendants are granted summary judgment with respect to the statement from Defendants' website, "Ralph R. Zerbonia may well be the world's leading

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expert on Charity Regulatory Software Systems!”

IT IS FURTHER ORDERED, that Defendants are granted summary judgment with respect to the website statement referring to Zerbonia, “Well, he has built two, but there are only a few in existence at the level he has built, so he may be responsible for over half of all modern system[s].”

IT IS FURTHER ORDERED, that Defendants are granted summary judgment with respect to Defendants’ website comparison and the following statements from the Tennessee proposal:

- 1) Ralph [Zerbonia] was the author of a Charitable Gaming system when it was complete was the most comprehensive system ever developed for the regulation of charities by state regulators.
- 2) Individuals on our team have architected other systems including Ohio’s Charitable Regulatory system.
- 3) Our team brings several years of experience in creating charitable regulation systems, including those which regulate charitable gaming and other non-profit entities.
- 4) Overall project coordination is accomplished by Ralph Zerbonia, an experienced Charitable Regulation system designer.
- 5) Mr. Ralph Zerbonia and Mr. John Conley (both) formerly of CBOSS Inc. were responsible for the development of the State of Ohio’s Attorney General’s Charitable Regulatory and Gaming System known as COIN.

The Court shall retain jurisdiction for a period of five (5) years from the date of this Judgment Entry should Defendants violate the Declaratory Judgments.

Each party shall bear their own costs. Case closed.

September 29, 2010
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge